

HOUSE BILL 256

R3

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By: **Delegate Rosenberg**

Introduced and read first time: January 25, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Alcohol– and Drug–Related Driving Offenses – Transporting**
3 **Minors – Penalties**

4 FOR the purpose of altering criminal penalties for certain alcohol– and drug–related
5 driving offenses involving transportation of a minor; making a corrective
6 change; and generally relating to criminal penalties for certain alcohol– and
7 drug–related driving offenses involving transportation of a minor.

8 BY repealing and reenacting, without amendments,
9 Article – Transportation
10 Section 21–902(a), (b), (c)(1) and (2), and (d)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 21–902(c)(3) and 27–101(q)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Transportation**

21 21–902.

22 (a) (1) A person may not drive or attempt to drive any vehicle while under
23 the influence of alcohol.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) A person may not drive or attempt to drive any vehicle while the
2 person is under the influence of alcohol per se.

3 (3) A person may not violate paragraph (1) or (2) of this subsection
4 while transporting a minor.

5 (b) (1) A person may not drive or attempt to drive any vehicle while
6 impaired by alcohol.

7 (2) A person may not violate paragraph (1) of this subsection while
8 transporting a minor.

9 (c) (1) A person may not drive or attempt to drive any vehicle while he is
10 so far impaired by any drug, any combination of drugs, or a combination of one or more
11 drugs and alcohol that he cannot drive a vehicle safely.

12 (2) It is not a defense to any charge of violating this subsection that
13 the person charged is or was entitled under the laws of this State to use the drug,
14 combination of drugs, or combination of one or more drugs and alcohol, unless the
15 person was unaware that the drug or combination would make the person incapable of
16 safely driving a vehicle.

17 (3) A person may not violate paragraph (1) [or (2)] of this subsection
18 while transporting a minor.

19 (d) (1) A person may not drive or attempt to drive any vehicle while the
20 person is impaired by any controlled dangerous substance, as that term is defined in §
21 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled
22 dangerous substance under the laws of this State.

23 (2) A person may not violate paragraph (1) of this subsection while
24 transporting a minor.

25 27–101.

26 (q) (1) Any person who is convicted of a violation of § 21–902(a)(3) or
27 (d)(2) of this article is subject to[:

28 (i) For a first offense, a fine of not more than \$2,000 or
29 imprisonment for not more than 2 years or both;

30 (ii) For a second offense, a fine of not more than \$3,000 or
31 imprisonment for not more than 3 years or both; and

32 (iii) For a third or subsequent offense, a fine of not more than
33 \$4,000 or imprisonment for not more than 4 years or both] **A FINE OF NOT LESS**

1 **THAN \$1,000 AND NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE**
2 **THAN 4 YEARS OR BOTH.**

3 (2) Any person who is convicted of a violation of § 21–902(b)(2) or (c)(3)
4 of this article is subject to[:

5 (i) For a first offense, a fine of not more than \$1,000 or
6 imprisonment for not more than 6 months or both; and

7 (ii) For a second or subsequent offense, a fine of not more than
8 \$2,000 or imprisonment for not more than 1 year or both] **A FINE OF NOT LESS THAN**
9 **\$500 AND NOT MORE THAN \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 2**
10 **YEARS OR BOTH.**

11 [(3) For the purpose of determining second or subsequent offender
12 penalties provided under this subsection, a prior conviction of any provision of §
13 21–902 of this article that subjected a person to the penalties under this subsection
14 shall be considered a prior conviction.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2010.